

20.9)  
4-26-06

**MINUTES**  
**DODGE COUNTY PLANNING COMMISSION**

Meeting of the Dodge County Planning Commission was called to order by Chairman, Robert Taylor at 7:30 P.M., Tuesday, April 18, 2006 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, Nebraska. The following members were present: Taylor, Brabec, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Benes and Garber.

The meeting was declared legally convened, due to Public Notice given.

Motion was made by **Johnson** to accept the Minutes of the January 17, 2006 meeting as mailed. Seconded by **Rolf**. Motion carried by voice vote with the following voting yes: Taylor, Brabec, Cooper, Gifford, Johnson, Reynolds and Rolf. Absent: Benes and Garber.

**PUBLIC HEARING:** Consideration of a request of Chris Kloke of 1570 County Rd. 13, Ames, NE 68621 to obtain a Conditional Use Permit for a Class 1 Livestock Feeding Operation of 251 to 1000 animal units as per Article 12, Section 2. Conditional Uses 2.19 located in NE1/4 NE1/4 Section 6, Township 18 North, Range 7 East in Maple Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by **Gifford** and seconded by **Cooper**. Motion carried by voice vote. Those voting yes: Brabec, Cooper, Gifford, Johnson, Reynolds, Rolf and Taylor. Absent: Benes and Garber.

**Testimony:**

**For:** Chris Kloke was present to explain he wanted to expand his operation adding 500 head and constructing another barn. Taylor asked if there were any close residences. Andrews stated yes, but a waiver of distance was signed by Dorothy Thew, which would be filed along with the Conditional Use Permit in the Register of Deeds office if the county board approved it. Rolf asked if there was sufficient ground to support the request. Kloke stated he had signed affidavits giving him ground for the disposal of the livestock waste. No additional entrances would be required.

Andrews stated no communication had been received. No further testimony was taken for the proposal.

**Against:** No communication had been received against the proposal and no one was present to testify against the request.

Motion to close the hearing was made by **Johnson** and seconded by **Gifford**. Motion carried by voice vote. Those voting yes: Cooper, Gifford, Johnson, Reynolds, Rolf, Taylor and Brabec. Absent: Benes and Garber.

**Possible Action:**

Motion to approve the conditional use permit was made by **Brabec** and seconded by **Rolf** based on the following reasons: Conditional use conforms to the location and

characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. Motion carried by roll call vote. Those voting yes: Gifford, Johnson, Reynolds, Rolf, Taylor, Brabec and Cooper. Absent: Benes and Garber

Chris Kloke was advised the county board would hear the request on Wednesday, April 26, 2006 at 9:30 A.M.

**Public Hearing:** Consideration of a request of Keith & Marcia Johnson of 1520 County Rd. 20, Fremont, NE 68025 to subdivide a 6.06 acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 13, Section 4.2 Exemptions B 1. located in part of SE 1/4 SE1/4 Section 17, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-2, General Ag.

Motion to open the hearing was made by **Cooper** and seconded by **Brabec**. Motion carried by voice vote. Those voting yes: Johnson, Reynolds, Rolf, Taylor, Brabec, Cooper and Gifford. Absent: Benes and Garber.

#### **TESTIMONY:**

**For:** Dennis Mueller, Keith Johnson's brother-in-law, was present to explain the requests. He stated Keith was presently renting out the place and now wanted to sell it. Taylor asked about the closeness of the machine shed. Andrews stated it was a property line between Johnson and Arden Havekost as well as the quarter section line. The shed has been on the property since the 1980's. Taylor asked if there were entrances to the farm ground. Andrews stated yes.

No additional testimony was taken for the proposal.

**Against:** No one spoke against the proposal and no communication had been received either for or against it.

Motion to close the hearing was made by **Rolf** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Reynolds, Rolf, Taylor, Brabec, Cooper, Gifford and Johnson. Absent: Benes and Garber.

#### **Possible Action:**

Motion to approve the subdivision and conditional use request of the 6.06 acres was made by **Cooper** and seconded by **Brabec** based on the conditional use conforms to the intent and purpose of the regulations and the comprehensive plan of the district in which it is located. Motion carried by roll call vote. Those voting yes: Rolf, Taylor, Brabec, Cooper, Gifford, Johnson and Reynolds. Absent: Benes and Garber

Mr. Mueller was advised to tell Keith Johnson the request would be heard at the county board meeting at 9:35 A.M. on Wednesday, April 26, 2006.

**Eldon Garber answered the roll at 7:40 P.M.**

## **Review possible amendments to Zoning Regulations regarding Wind Energy Systems.**

Andrews stated she had received request for information regarding the wind energy systems. The zoning regulations currently do not address this issue. She stated she had researched the adjoining zoning administrators seeking information regarding the topic to no avail. The information sent to the planning commission members was obtained from Keith Marvin, consultant. Brabec stated we shouldn't jump into this and should seek more information from public utility entities.

No action was taken on the subject.

## **Discuss the passage of LB975 and the possible amendment to zoning regulations.**

The board discussed the bill and what the reasoning behind it's passage by the legislature. Andrews stated it had been fought valiantly to no avail. She said the bill has been signed by the governor and carries an emergency clause to go into effect immediately. The bill requires a livestock feeding operation to request a conditional use permit from the county when they are submitting DEQ construction applications, even if they are grandfathered in. The law requires all livestock facilities making changes must comply with state and federal regulations to be granted a conditional use permit. After discussion and possible amending of our zoning regulations, **Brabec** moved to table the item and **Garber** seconded. Motion carried by voice vote. Those voting yes: Taylor, Brabec, Cooper, Garber, Gifford, Johnson, Reynolds and Rolf. Absent: Benes.

With no further business, motion was made by **Rolf** and seconded by **Johnson** to adjourn at 7:55 P.M. Motion carried by voice vote. Those voting yes: Brabec, Cooper, Garber, Gifford, Johnson, Reynolds, Rolf and Taylor. Absent: Benes. The next scheduled meeting will be **May 16, 2006** at 7:30 P.M. if business arises.

Respectfully submitted,

---

Allen Rolf  
Secretary, Dodge County  
Planning Commission

---

Dodge County  
Planning & Zoning Commission

---

Approval Date

## **STAFF REPORT**

Dodge County Bldg. Insp. & Zoning Dept.  
Meeting of April 18, 2006

Zoning Signs were placed on the property April 13, 2006.

### **Chris Kloke:**

The property is located on a main traveled County Road 14 southwest of County Road M. No one resides at the property, as there isn't a house. The 10-acre site is not in a flood area. There is an acreage to the east on road M that has signed the waiver of distance. It is approximately an 1/8 of a mile from the site of the proposed livestock feeding operation. No additional entrances are needed.

### **Keith & Marcia Johnson:**

The proposed acreage split is located on the west side of County Road 20 approximately 5 miles north of Fremont just north of County Road P. The house appears to be in good condition and has a metal building and a corncrib also on the property. The grain bins to the south side of the drive will remain with the farm ground. No additional entrances are needed.

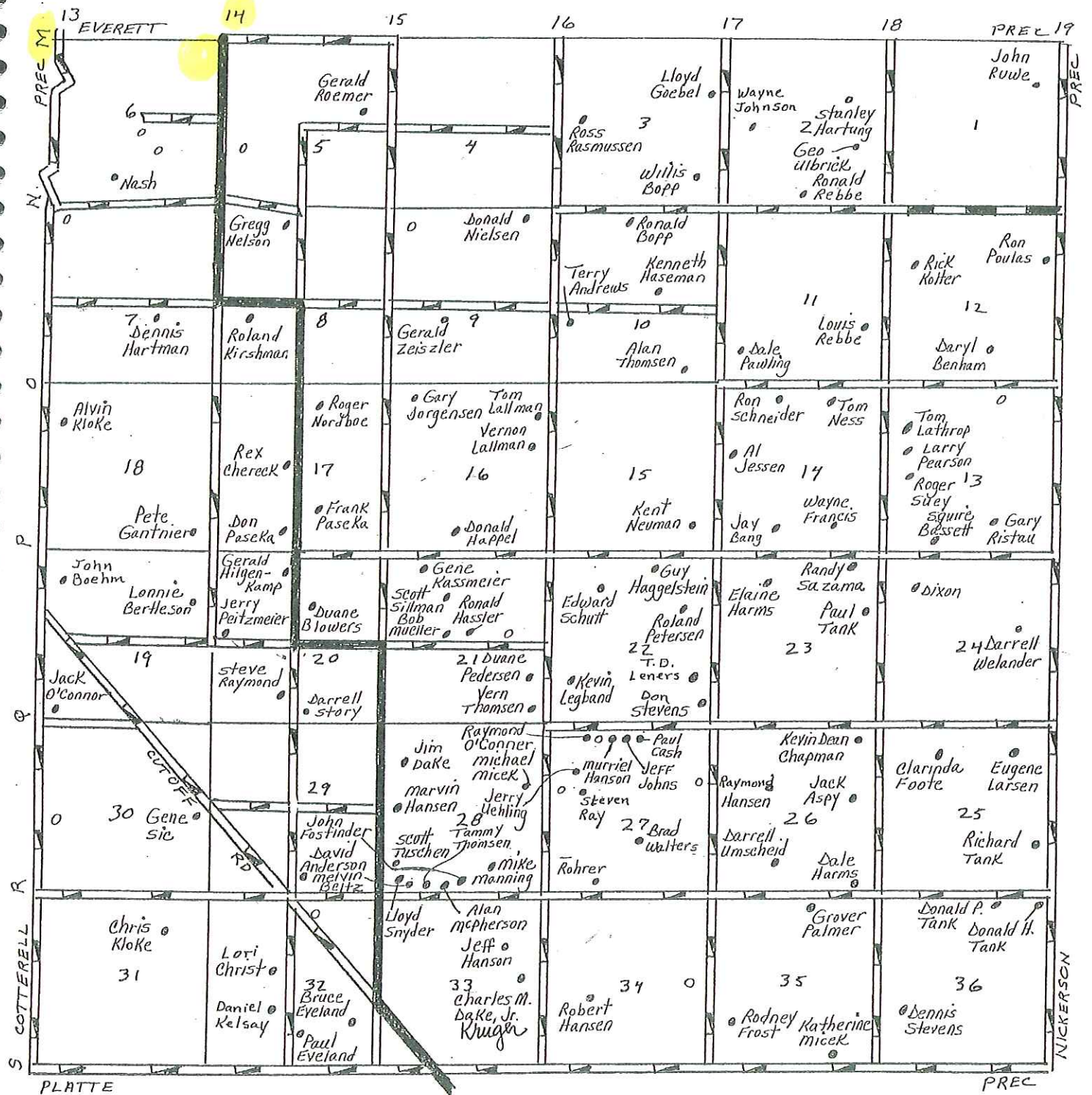
Respectfully submitted,



Jean Andrews,  
Dodge County Zoning Administrator

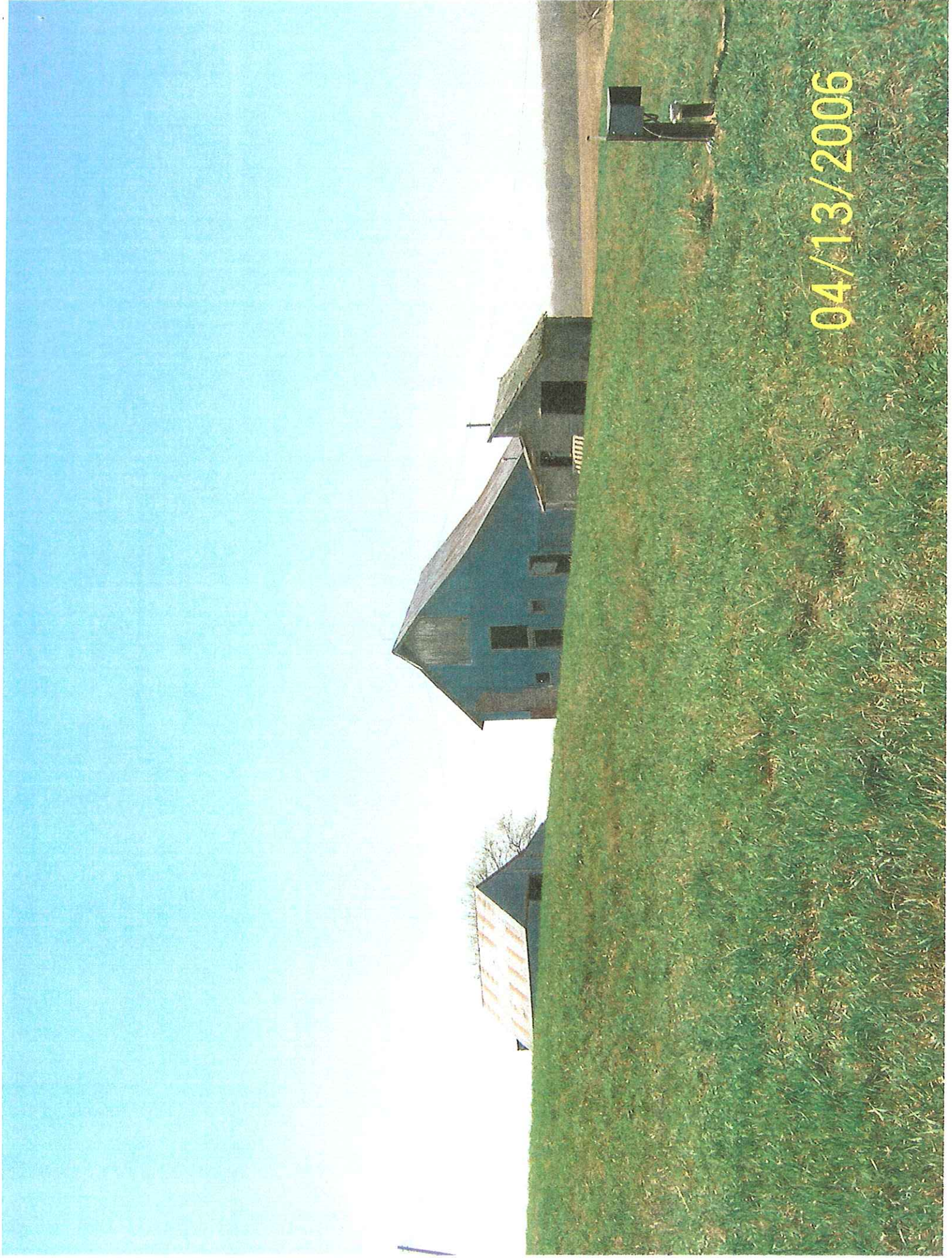
# MAPLE

T 18N - R7E





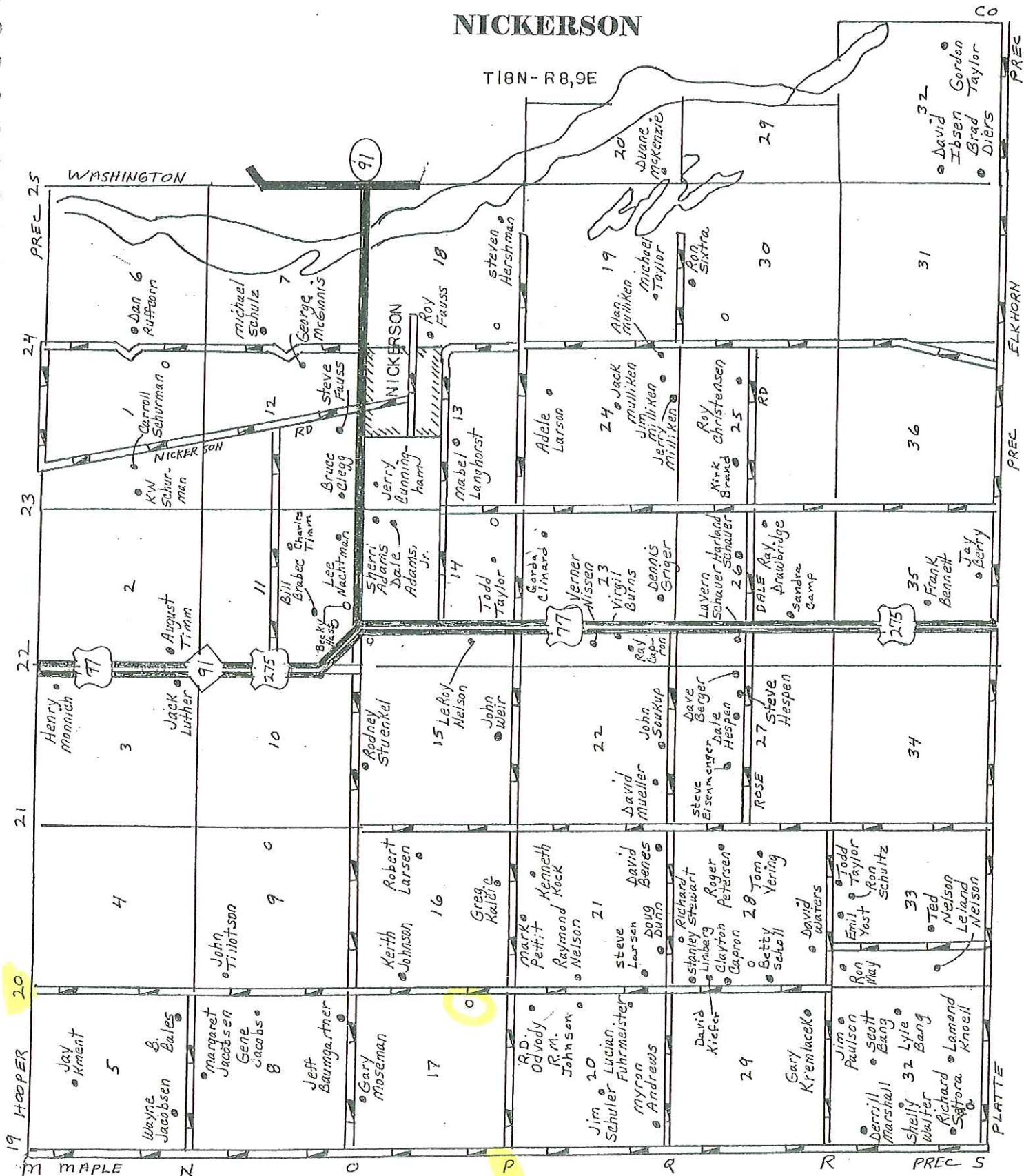
04/13/2006



04/13/2006

# NICKERSON

T18N-R8,9E





04/13/2006

